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JAN 29 1906
JAMES H. McKENNEY,

SUPREME COURT OF THE UNITED STATES.

No. 77.

JAMES B. HOWARD, - - - Plaintiff in Error,

vs.

THE COMMONWEALTH OF KENTUCKY, - - - - - Defendant in Error.

MOTION.

WILL SMITH,
Attorney.

SUPREME COURT OF THE UNITED STATES.

No. 77.

JAMES B. HOWARD, - - - - Plaintiff in Error,

vs.

THE COMMONWEALTH OF KENTUCKY, Defendant in Error.

TO N. B. HAYS, ATTORNEY GENERAL OF THE STATE OF KENTUCKY.

You are hereby notified that on Monday, January 29, 1906, I will, in the Supreme Court of the United States, enter motion and move said court to suspend the issual of the mandate in the above style case, until March 6, 1906, and to grant me special leave to file a petition for rehearing therein on or before said day. I herewith hand you copy of motion and reasons assigned.

JAMES B. HOWARD.
By W. M. SMITH, Attorney.

Service of the above notice is hereby accepted, January 26, 1906.

N. B. HAYS,

Attorney General, State of Kentucky.

SUPREME COURT OF THE UNITED STATES.

No. 77.

JAMES B. HOWARD, - - - Plaintiff in Error,

vs.

THE COMMONWEALTH OF KENTUCKY, Defendant in Error.

MOTION.

Comes petitioner in error, James B. Howard, and moves the court to suspend the issual of the mandate herein until the 6th day of March, 1906, and to grant him special leave to file, on or before said date, a petition for rehearing herein, on the judgment and opinion rendered by this court on the 2d day of January, 1906.

JAMES B. HOWARD.

W. M. SMITH,
Attorney for Petitioner in Error.

SUPREME COURT OF THE UNITED STATES.

No. 77.

JAMES B. HOWARD, - - - Petitioner in Error,

vs.

THE COMMONWEALTH OF KENTUCKY, Defendant in Error.

Petitioner in error, James B. Howard, states that he is now confined under the charge herein, in the jail of Jefferson County, Louisville, Kentucky, and that W. M. Smith, his sole attorney, in charge of his case as far as relates to this court, resides in said city of Louisville.

He says that during the time since he obtained a copy of the opinion herein, which was rendered January 2d, 1906, his said attorney has been constantly engaged in the preparation of important contest cases now pending in the Jefferson Circuit Court, and the trial of preliminary motion therein, and that by reason of the nature of said contest cases, they can not be delayed.

That if the mandate is issued herein before his said petition for rehearing is passed on by this court, he will be removed to the penitentiary at Frankfort, Kentucky, and it will be then inconvenient, if not impossible, for him to confer with his attorney.

JAMES B. HOWARD.

W. M. Smith states that he is the attorney referred to in above statement of James B. Howard, and that insofar as same relates to him, the statements of said Howard are true.

That he desired to file a petition for rehearing herein, and that he believes he can present meritorious grounds for granting same, and he asks that the time in which to file same be extended to March 6, 1906, and that the issual of the mandate be suspended until said date.

W. M. SMITH.